

HB0357



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0357

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3.1

from Ch. 38, par. 1005-5-3.1

Amends the Unified Code of Corrections. Provides that it is a mitigating factor in sentencing if at the time of the offense, the defendant was or had been the victim of domestic violence and the effect of the domestic violence tended to excuse or justify the defendant's criminal conduct.

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A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 10. The Unified Code of Corrections is amended by
5 changing Section 5-5-3.1 as follows:

6 (730 ILCS 5/5-5-3.1) (from Ch. 38, par. 1005-5-3.1)

7 Sec. 5-5-3.1. Factors in Mitigation.

8 (a) The following grounds shall be accorded weight in favor
9 of withholding or minimizing a sentence of imprisonment:

10 (1) The defendant's criminal conduct neither caused
11 nor threatened serious physical harm to another.

12 (2) The defendant did not contemplate that his criminal
13 conduct would cause or threaten serious physical harm to
14 another.

15 (3) The defendant acted under a strong provocation.

16 (4) There were substantial grounds tending to excuse or
17 justify the defendant's criminal conduct, though failing
18 to establish a defense.

19 (5) The defendant's criminal conduct was induced or
20 facilitated by someone other than the defendant.

21 (6) The defendant has compensated or will compensate
22 the victim of his criminal conduct for the damage or injury
23 that he sustained.

1 (7) The defendant has no history of prior delinquency
2 or criminal activity or has led a law-abiding life for a
3 substantial period of time before the commission of the
4 present crime.

5 (8) The defendant's criminal conduct was the result of
6 circumstances unlikely to recur.

7 (9) The character and attitudes of the defendant
8 indicate that he is unlikely to commit another crime.

9 (10) The defendant is particularly likely to comply
10 with the terms of a period of probation.

11 (11) The imprisonment of the defendant would entail
12 excessive hardship to his dependents.

13 (12) The imprisonment of the defendant would endanger
14 his or her medical condition.

15 (13) The defendant was intellectually disabled as
16 defined in Section 5-1-13 of this Code.

17 (14) The defendant sought or obtained emergency
18 medical assistance for an overdose and was convicted of a
19 Class 3 felony or higher possession, manufacture, or
20 delivery of a controlled, counterfeit, or look-alike
21 substance or a controlled substance analog under the
22 Illinois Controlled Substances Act or a Class 2 felony or
23 higher possession, manufacture or delivery of
24 methamphetamine under the Methamphetamine Control and
25 Community Protection Act.

26 (15) At the time of the offense, the defendant was or

1 had been the victim of domestic violence and the effects of
2 the domestic violence tended to excuse or justify the
3 defendant's criminal conduct. As used in this paragraph
4 (15), "domestic violence" means "abuse" as defined in
5 Section 103 of the Illinois Domestic Violence Act of 1986.

6 (b) If the court, having due regard for the character of
7 the offender, the nature and circumstances of the offense and
8 the public interest finds that a sentence of imprisonment is
9 the most appropriate disposition of the offender, or where
10 other provisions of this Code mandate the imprisonment of the
11 offender, the grounds listed in paragraph (a) of this
12 subsection shall be considered as factors in mitigation of the
13 term imposed.

14 (Source: P.A. 97-227, eff. 1-1-12; 97-678, eff. 6-1-12; 98-463,
15 eff. 8-16-13.)